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February 6, 2024

VIA ECF

Hon. Edgardo Ramos, U.S.D.J.
US District Court - SDNY
Thurgood Marshall US Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

RE: Rolando Lopez Martinez, et anon. v. Parkash 2125 LLC, et al.
Civil Case No. 1:23-cv-05097-ER

**JOINT LETTER REQUEST TO EXTEND DISCOVERY SCHEDULE &
ADJOURN CASE MANAGEMENT CONFERENCE (2.29.24)**

To Your Honor:

This office represents all named Defendants in the subject FLSA action. Counsel writes jointly with Plaintiff's counsel to request an extension of the current discovery schedule.

In accordance with the Court's January 16, 2024 scheduling order (Dkt. No. 18), depositions are to be completed by February 8, 2024, with all discovery due by February 22, 2024. Since the aforesaid conference, the Parties were assigned Matthew Weinick, Esq. as mediator, met with him, and scheduled the same for February 13, 2024. The Parties have exchanged preliminary offers/demands to settle and continue to discuss resolution between counsel, even as we head to mediation next week.

Defendant has disclosed documents Bates numbered 0000001 – 0000770 and will serve the formal responses to Plaintiff's outstanding discovery demands by February 7, 2024.

The Defendants waive the Plaintiff's deposition. Defendants have served a notice of deposition for Defendant Anurag Parkash and the Parties have agreed to take his examination on February 28, 2024 at 10:00 am.

Therefore, the Parties request that the Court extend the deadline to complete non-expert depositions to March 1, 2024 and extend the deadline to complete all other discovery to March 15, 2024, in the event there are post-EBT demands served by Plaintiff.



Additionally, the Court ordered the next Case Management Conference for February 29, 2024 at 11:30 am. Should the Court grant the discovery extension above, the Parties respectfully request the Court adjourn the CMC of Feb. 29 until after the close of the new discovery deadline.

The Parties would also like to bring to the attention of the Court an error in the filing of the Proposed Case Management Plan (Dkt. No. 18), in that the Defendants did not consent to a bench trial and did not intend to waive their rights to a trial by jury. With the Court's consent, the Defendants will file a Jury Demand pursuant to Rule 38 of the Fed. R. of Civ. P., which is acknowledged as received by Plaintiff's counsel as of the filing of this letter.

The Parties thank the Court for its time and attention to this matter and respectfully request the within applications be granted.

Sincerely,

Kevin S. Johnson, Esq.

CC VIA Email / ECF:

Michael S. Samuel, Esq.

Andrew D. Beresin, Esq.

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Non-expert depositions shall be completed by March 1, 2024. All discovery shall be completed by March 15, 2024. The case management conference is adjourned to March 15, 2024, at 11 a.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. SO ORDERED.

Edgardo Ramos, U.S.D.J.

Dated: 2/9/2024

New York, New York